



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Stephen J. Mordfin, AICP, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** September 13, 2011

**SUBJECT:** BZA Case No.18246, 1700 14<sup>th</sup> Street, N.W. (1401 R Street, N.W.)

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following variances to permit the adaptive reuse of the subject property:

- § 771, Floor Area Ratio (4.5 permitted, 6.02 proposed);
- § 772, Percentage of Lot Occupancy (75 percent permitted, 100 percent proposed); and
- § 2001.3, Addition to Nonconforming Structure Devoted to Conforming Use, to permit its conversion to a mixed use building with ground floor retail and residential above.

OP also recommends **approval** of the following special exceptions:

- § 770.6, Roof Structure Height Requirements (one height permitted, 98 feet and 93.5 feet proposed); and
- § 1902, ARTS Overlay Roof Structure Height Requirements (83.5 feet permitted, 98 feet proposed).

### **II. AREA AND SITE DESCRIPTION**

<b>Address</b>	1700 14 <sup>th</sup> Street, N.W. (1401 R Street, N.W.)
<b>Legal Description</b>	Square 207, Lot 110
<b>Ward</b>	2
<b>Zoning</b>	ARTS/C-3-A
<b>Lot Characteristics</b>	Rectangular, level corner lot
<b>Adjacent Properties</b>	North: Commercial buildings South: Across R Street, commercial uses East: Across 14th Street, medical facility West: Across public alley, apartment buildings
<b>Neighborhood Character</b>	Commercial uses along 14th Street and multi-family residential along R Street.
<b>Historic Preservation</b>	Contributing structure within the Greater Fourteenth Street Historic District



### III. APPLICATION IN BRIEF

The applicant proposes to:

- Covert the eastern portion of the first floor to commercial space, including the addition of a residential lobby;
- Continue use of western portion of the first floor and the cellar for Verizon equipment;
- Convert floors two through four to thirty loft apartments; and
- Convert the fifth floor to six apartments with private roof decks and one communal roof deck for the building.

### IV. ZONING REQUIREMENTS and REQUESTED RELIEF

ARTS/C-3-A Zone	Regulation	Existing	Proposed	Relief
Height § 700	75 ft. max.	80 ft.	80 ft.	Existing nonconforming structure
Height w/ Penthouse § 1902	83.5 ft. max.	N/A	98 ft.	Required
Floor Area Ratio § 771	4.5 max.	5.0	6.02	Required
Lot Occupancy § 772	75 % max.	100 %	100 %	Required
Rear Yard § 774	2.5 in./ft. of bldg. ht. or 16.67 ft. min.	None	None	Existing nonconforming structure

### V. OFFICE OF PLANNING ANALYSIS

#### a. Variance Relief from § 771, Floor Area Ratio

##### i. Uniqueness Resulting in a Practical Difficulty

Floors two through four were not designed or constructed for residential use, but instead to house mechanical equipment. Ceiling heights, which range between approximately 16 feet to almost 18 feet, are unusually high for residential use. The windows are unusually large and spaced far apart, with the result that some of the units could be more than 17 feet in width, but have access to only one window. The building is also narrow, measuring only 45 feet in depth. The lack of windows on the north side of the building, and the lack of courtyards within the building to allow for additional light and air and the narrowness of the building combine to contribute to a building that can be most efficiently used and laid out with long narrow apartment units.

To accommodate for a lack of windows and unusually high ceilings, the applicant proposes to develop apartments on floors two through four as loft units, making use of the unusually large windows and ceiling heights. However, the addition of lofts would increase the FAR. Without the granting of this variance, the conversion of this building would result in fewer apartments with unusually large ceilings and window spacings not conducive to residential use.

##### ii. No Substantial Detriment to the Public Good

The granting of this variance would allow for the conversion of this building to residential use that would contribute positively to the adjacent residential community to the west and the public good.

**iii. No Substantial Harm to the Zoning Regulations**

The granting of this variance would allow the applicant to more efficiently utilize the existing interior space of the structure, without increasing the size of the building in a manner consistent with the zoning on the property. The existing bulk of the building as could be seen from the street would not change, but the interior space would be more effectively used. Therefore, there would be no harm to the Zoning Regulations.

**b. Variance Relief pursuant to § 772, Lot Occupancy**

**i. Uniqueness Resulting in a Practical Difficulty**

The existing building, constructed in 1903 and expanded in 1920, predates the Zoning Regulations and occupies 100 percent of the lot. As a contributing structure within the Greater Fourteenth Street Historic District, no portion of the building may be removed, resulting in a building that cannot be brought into conformance with the existing regulations. Without the granting of this variance the applicant cannot adaptively reuse of the building.

**ii. No Substantial Detriment to the Public Good**

The existing lot occupancy would remain as it has for over ninety years. The granting of this variance would allow the incorporation of this building into an active part of the community as a mixed use building.

**iii. No Substantial Harm to the Zoning Regulations**

The granting of this variance would allow for the adaptation of the existing building for uses permitted as a matter-of-right within the ARTS/ C-3-A zone.

**c. Variance Relief pursuant to § 2001.3, Enlargement of Nonconforming Structure**

**i. Uniqueness Resulting in a Practical Difficulty**

The existing building is nonconforming for lot occupancy, rear yard and height. The application proposes to add new nonconformities with respect to FAR and building and penthouse height. These new nonconformities for FAR and roof structure are necessary for the conversion and adaptive reuse of the building to residential use. The addition of an elevator core, necessary to make the building ADA compliant, and the addition of the stairwell enclosure to bring the building into conformance with the building code, would each result in increased penthouse height..

**ii. No Substantial Detriment to the Public Good**

The enlargement of this nonconforming structure would facilitate its reuse as a mixed use building consisting of residential and retail uses, consistent with existing surrounding development.

**iii. No Substantial Harm to the Zoning Regulations**

The proposed enlargement of this nonconforming structure would allow for adaptive reuse in a manner consistent with uses encouraged by the ARTS Overlay, including expanding the housing supply and encouraging pedestrian activity through the introduction of commercial space.

**d. Special Exception Relief pursuant to § 1902.1, Height and Penthouse Height**

**i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The increase in building height, including the increase in penthouse height to 98 feet and the provision of two penthouses of unequal heights, would allow for the adaptive reuse of this building in a manner consistent with the uses permitted and encouraged by the zoning on the property.

**ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The existing building was constructed at its existing height prior to the adoption of the Zoning Regulations and the ARTS Overlay District at a height of 80 feet. The ARTS Overlay restricts the height of a roof structure to 83.5 feet, leaving only 3.5 feet for a roof structure housing an elevator override, insufficient to accommodate either the elevator override or the stairwell enclosure.

**e. Special Exception Relief pursuant to § 411.5, Unequal Penthouse Heights**

**i. Is the proposal in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps?**

The unequal heights of the penthouses, one for the elevator override and the other for the stairwell, would minimize the visibility of the roof structures by minimizing, to the extent possible, the height of the stairwell roof structure.

**ii. Would the proposal appear to tend to affect adversely, the use of neighboring property?**

The proposed penthouses would be located on the north side of the subject property, adjacent to the existing Verizon building to the north. The adjacent building to the north is at a height in excess of the proposed penthouses, restricting any view of them from the north. As the penthouses would be set back away from the 14<sup>th</sup> Street and R Street edges of the building, they would also not be visible from either the sidewalk on opposite side of 14<sup>th</sup> Street or from the sidewalk across R Street. Therefore, the proposal would not tend to affect adversely the use of neighboring property.

**VI. Historic Preservation**

The Historic Preservation Review Board (HPRB) approved the project in concept at its meeting of May 26, 2011.

**VII. COMMENTS OF OTHER DISTRICT AGENCIES**

DDOT submitted comments requesting that on-street loading not be permitted on 14<sup>th</sup> Street and that deliveries on R Street not take place during rush hours.

No other comments were received.

**VIII. COMMUNITY COMMENTS**

ANC 2F, at its regularly scheduled meeting of May 4, 2011, voted in support of the application.

One community member submitted a letter to the file in opposition.

Attachment: Zoning and Vicinity Map

